

For the attention of

His Excellency, Vytenis Andriukaitis, Commissioner for Health & Food Safety

Via Mr. Nicolas Pradalié
member of the Commissioner Staff
in charge with the Justice, Consumers & Gender Equality
cab-andriukaitis-webpage@ec.europa.eu
+32 (0)2 29 62033

Dear Sir,

Granted that

1. As widely demonstrated by scientific literature and illustrated during important international congresses¹ has been scientifically verified that the parental loss or low care levels by a parent influence the health of the children, causing cerebral, hormonal, bio-humoral alterations, increasing meaningfully the risk of unwanted and early pregnancies, alcoholism, smoking, suicides, victimization and aggressive behaviour problems.
2. It has been also confirmed by the most recent researches² that the best way that the minor has to grow and receive care from both the parents is guaranteeing the steadiness of parental couple and, in the alternative, whenever the divorce of parental couple is unavoidable, having the shared parenting of the parents with minimal care time of 33% by each parent (very uncommon case, today, in most European countries).
3. The first cause of parental loss for European children is today the divorce of their couple. This parental loss is associated with a wide range of issues for the children who enjoy much lower wellbeing than the children where both parents remain involved in their life.
4. The different juridical habits about the custody of the children during the divorce procedures in EC member states have a significant effect on the child possibilities to receive or lose adequate care by both the parents, causing unacceptable unequal treatment between the European children.

¹ Among which we point out the recent congress organized by the International Council on Shared Parenting in Bonn in 2014 &2015. Details about this conference can be found here <http://twohomes.org>

² A couple of those researches can be found here <http://www.childefenders.com/research> Colibri can put you in touch with specialists that can provide an even more comprehensive review, if needed.

5. These unequal treatments configure clearly a not homogeneous application of the ***Right to Health*** of the European minors, according their nationality. For example:
 - An Italian child has 30% of probability to lose the care of a parent after the divorce while a Swedish minor has only 14% of probabilities.
 - The simple return of a Romanian family working in Sweden, into Romania, will greatly expose the children to a risk of losing the parent that is even higher than 30%, risk that won't occur if the couple decide to divorce in Sweden.
6. Furthermore, after a deep analysis, on the 2nd October 2015 Council of Europe has approved a resolution that calls on member states to introduce into their laws the principle of shared residence following a separation, observing the currently this principle is too variously carried-out in Europe.³

All above granted, we would like to put the following question to the Commission:

Does the Commission believe, during the overall review of the Brussels IIa regulation and, more broadly, of the EU policy in respect of the promotion of the protection of the rights of the child, to offer a help to the 10 millions of European minors involved in divorces not only by a procedural and doctrinal point of view but also by a substantial, scientific point of view establishing common guidelines grounded on not anymore juridical but finally scientific criteria that define “the best interest of the children” in a univocal way, valid for all the E.C. countries, recognizing the support to the parental couple during its crisis and assuring adequate care times by each parent (at least one third of the time spent by each parent according the well know Physical Joint Custody or Shared Custody definitions)?

Dr. Vittorio Vezzetti
president of Colibri

Inquiry made on behalf of Colibri federation by Cătălin Bogdan,
president of the Romanian Association for Joint Custody⁴,
at the direct request of Vittorio Vezzetti, president of Colibri⁵
electronically signed for conformity ref. [ngo3704]

³ The Resolution 2079/2015 can be downloaded here <https://goo.gl/1GFg8N>. It is important to look also for the justification report available here <https://goo.gl/rI2Pxf>

⁴ Romanian Association for Joint Custody is registered din the Transparency Register with #505188620414

⁵ Colibri is a federation of 50+ not-for-profit organizations from 20 European Countries